

# HOUSE BILL 1571

F1, E4

8lr1662

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By: ~~Delegates Wilson and Angel~~, Angel, Kaiser, Turner, Afzali, D. Barnes, Buckel, Ebersole, Hornberger, C. Howard, Long, Luedtke, Mosby, Patterson, Reilly, Rose, Shoemaker, Simonaire, Tarlau, Walker, M. Washington, and Wilkins

Introduced and read first time: February 9, 2018

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Education – Child Sexual Abuse Prevention – Employment Process**

3 FOR the purpose of requiring a county board of education, a certain nonpublic school, and  
4 a certain contracting agency to require an applicant for a position involving direct  
5 contact with minors to provide certain information; requiring the county board,  
6 nonpublic school, or contracting agency to conduct a certain review of the  
7 employment history of a certain applicant; requiring the ~~county board~~ State  
8 Department of Education, a nonpublic school, or a contracting agency to check  
9 certain eligibility of a certain applicant; requiring the Department to provide a  
10 certain notification to certain county boards within a certain time period under  
11 certain circumstances; providing that a certain applicant shall be subject to certain  
12 discipline under certain circumstances; ~~authorizing the county board or contracting~~  
13 ~~agency to hire an applicant on a certain provisional basis under certain~~  
14 ~~circumstances; prohibiting the county board or contracting agency from entering into~~  
15 ~~a certain agreement under certain circumstances; providing that a certain~~  
16 ~~agreement is void and unenforceable under certain circumstances; providing for the~~  
17 ~~hiring of certain substitute employees; requiring a certain contracting agency to~~  
18 ~~perform a certain review before making a certain assignment~~; requiring certain  
19 entities that furnish substitute staffing services to comply with certain provisions;  
20 requiring a certain contracting agency to maintain certain records; requiring a  
21 certain contracting agency to inform the ~~county board~~ school of certain information;  
22 prohibiting a certain contracting agency from assigning a certain employee to  
23 perform certain work under certain circumstances; ~~providing for a certain immunity~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~from criminal and civil liability; providing for the construction of this Act;~~  
 2 ~~authorizing the State Department of Education to initiate certain disciplinary action~~  
 3 ~~under certain circumstances and to adopt certain rules and regulations;~~ defining  
 4 certain terms; and generally relating to hiring school employees.

5 BY adding to

6 Article – Education

7 Section 6–113.1

8 Annotated Code of Maryland

9 (2014 Replacement Volume and 2017 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 11 That the Laws of Maryland read as follows:

12 **Article – Education**

13 **6–113.1.**

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 15 INDICATED.

16 (2) “CHILD SEXUAL ABUSE” MEANS AN ACT INVOLVING A MINOR OR  
 17 STUDENT BY AN ADULT THAT CONSTITUTES A SEXUAL OFFENSE UNDER THE LAWS  
 18 OF THE STATE OR ANY SEXUAL CONTACT BETWEEN AN ADULT AND A MINOR.

19 (3) “CONTRACTING AGENCY” MEANS AN ENTITY THAT CONTRACTS  
 20 WITH A COUNTY BOARD OR NONPUBLIC SCHOOL TO PROVIDE A SERVICE TO A  
 21 SCHOOL OR THE STUDENTS OF A SCHOOL.

22 (4) “DIRECT CONTACT WITH MINORS” MEANS THE POSSIBILITY OF  
 23 CARE, SUPERVISION, GUIDANCE, OR CONTROL OF A MINOR OR ROUTINE  
 24 INTERACTION WITH A MINOR.

25 ~~(5) “JOB PERFORMANCE” INCLUDES ABILITIES, ATTENDANCE,~~  
 26 ~~ATTITUDE, AWARDS, DEMOTIONS, DISCIPLINARY ACTIONS, DUTIES, EFFORT,~~  
 27 ~~KNOWLEDGE, PROMOTIONS, SKILLS, AND, IN THE CASE OF A FORMER SCHOOL~~  
 28 ~~EMPLOYEE, THE REASONS FOR SEPARATION.~~

29 (5) “NONPUBLIC SCHOOL” MEANS A NONPUBLIC SCHOOL RECEIVING  
 30 STATE FUNDS.

31 (6) “SCHOOL” MEANS A PUBLIC SCHOOL, ~~A PUBLIC SCHOOL~~  
 32 ~~DISTRICT, A COLLABORATIVE SCHOOL, A CHARTER SCHOOL, A VIRTUAL SCHOOL, AN~~  
 33 ~~INNOVATION SCHOOL, A PRIVATE DAY SCHOOL, A PRIVATE RESIDENTIAL SCHOOL,~~

1 ~~AN INDEPENDENT SCHOOL, A PAROCHIAL SCHOOL, OR ANY OTHER NONPUBLIC~~  
2 ~~SCHOOL OR NONPUBLIC SCHOOL.~~

3 (7) "SEXUAL MISCONDUCT" MEANS AN ACT, INCLUDING AN ORAL, A  
4 NONVERBAL, A WRITTEN, OR AN ELECTRONIC COMMUNICATION, OR A PHYSICAL  
5 ACTIVITY DIRECTED TOWARD OR WITH A MINOR THAT IS DESIGNED TO PROMOTE A  
6 ROMANTIC OR SEXUAL RELATIONSHIP WITH THE MINOR, INCLUDING:

7 (I) SEXUAL OR ROMANTIC INVITATION;

8 (II) DATING OR SOLICITING DATES;

9 (III) ENGAGING IN SEXUALIZED OR ROMANTIC DIALOGUE;

10 (IV) MAKING SEXUALLY SUGGESTIVE COMMENTS;

11 (V) SELF-DISCLOSURE OR PHYSICAL EXPOSURE OF A SEXUAL,  
12 ROMANTIC, OR EROTIC NATURE; AND

13 (VI) A SEXUAL, INDECENT, ROMANTIC, OR EROTIC CONTACT  
14 WITH THE MINOR.

15 (B) A COUNTY BOARD, A NONPUBLIC SCHOOL, AND A CONTRACTING AGENCY  
16 SHALL REQUIRE AN APPLICANT FOR A POSITION INVOLVING DIRECT CONTACT WITH  
17 MINORS TO PROVIDE:

18 (1) A LIST, INCLUDING NAME, ADDRESS, TELEPHONE NUMBER, AND  
19 OTHER RELEVANT CONTACT INFORMATION OF THE APPLICANT, INCLUDING:

20 (I) CURRENT EMPLOYER;

21 (II) ALL FORMER SCHOOL EMPLOYERS THROUGH THE  
22 PREVIOUS 5 YEARS; AND

23 (III) ALL FORMER EMPLOYERS OF THE APPLICANT IN WHICH  
24 THE APPLICANT WAS EMPLOYED IN A POSITION THAT INVOLVED CONTACT WITH  
25 MINORS THROUGH THE PREVIOUS 5 YEARS;

26 ~~(2) A WRITTEN AUTHORIZATION THAT CONSENTS TO AND~~  
27 ~~AUTHORIZES THE RELEASE BY EACH OF THE APPLICANT'S CURRENT AND FORMER~~  
28 ~~EMPLOYERS OF ALL RECORDS RELATED TO THE APPLICANT'S JOB PERFORMANCE;~~  
29 ~~AND~~

30 ~~(3)~~ (2) A WRITTEN STATEMENT OF WHETHER THE APPLICANT:

1 ~~(I) HAS BEEN THE SUBJECT OF A CHILD SEXUAL ABUSE OR~~  
 2 ~~SEXUAL MISCONDUCT INVESTIGATION BY ANY EMPLOYER, STATE LICENSING~~  
 3 ~~AGENCY, LAW ENFORCEMENT AGENCY, OR CHILD PROTECTIVE SERVICES AGENCY,~~  
 4 ~~UNLESS THE INVESTIGATION RESULTED IN A FINDING THAT THE ALLEGATIONS~~  
 5 ~~WERE FALSE;~~

6 ~~(H) (I)~~ HAS EVER BEEN DISCIPLINED, DISCHARGED,  
 7 NONRENEWED, OR ASKED TO RESIGN FROM EMPLOYMENT, OR HAS EVER RESIGNED  
 8 FROM OR OTHERWISE SEPARATED FROM ANY EMPLOYMENT WHILE ALLEGATIONS  
 9 OF CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT WERE PENDING OR WERE UNDER  
 10 INVESTIGATION, OR DUE TO AN ADJUDICATION OR FINDINGS OF CHILD SEXUAL  
 11 ABUSE OR SEXUAL MISCONDUCT; OR

12 ~~(H) (II)~~ HAS EVER HAD A LICENSE, PROFESSIONAL LICENSE,  
 13 OR CERTIFICATE SUSPENDED, SURRENDERED, OR REVOKED WHILE ALLEGATIONS  
 14 OF CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT WERE PENDING OR UNDER  
 15 INVESTIGATION, OR DUE TO AN ADJUDICATION OR FINDINGS OF CHILD SEXUAL  
 16 ABUSE OR SEXUAL MISCONDUCT.

17 (C) BEFORE HIRING AN APPLICANT, THE COUNTY BOARD, NONPUBLIC  
 18 SCHOOL, OR CONTRACTING AGENCY SHALL CONDUCT A REVIEW OF THE  
 19 EMPLOYMENT HISTORY OF THE APPLICANT BY CONTACTING THE EMPLOYERS  
 20 LISTED BY THE APPLICANT AND REQUESTING THE FOLLOWING INFORMATION:

21 (1) THE DATES OF EMPLOYMENT OF THE APPLICANT; AND

22 (2) ~~A~~ TO THE EXTENT AUTHORIZED UNDER STATE LAW, A  
 23 STATEMENT AS TO WHETHER THE APPLICANT:

24 ~~(I) WAS THE SUBJECT OF ANY CHILD SEXUAL ABUSE OR~~  
 25 ~~SEXUAL MISCONDUCT INVESTIGATION BY ANY EMPLOYER, STATE LICENSING~~  
 26 ~~AGENCY, LAW ENFORCEMENT AGENCY, OR CHILD PROTECTIVE SERVICES AGENCY,~~  
 27 ~~UNLESS THE INVESTIGATION RESULTED IN A FINDING THAT THE ALLEGATIONS~~  
 28 ~~WERE FALSE;~~

29 ~~(H) (I)~~ WAS DISCIPLINED, DISCHARGED, NONRENEWED,  
 30 ASKED TO RESIGN FROM EMPLOYMENT, OR RESIGNED FROM OR OTHERWISE  
 31 SEPARATED FROM ANY EMPLOYMENT WHILE ALLEGATIONS OF CHILD SEXUAL  
 32 ABUSE OR SEXUAL MISCONDUCT WERE PENDING OR UNDER INVESTIGATION, OR DUE  
 33 TO AN ADJUDICATION OR FINDINGS OF CHILD SEXUAL ABUSE OR SEXUAL  
 34 MISCONDUCT; OR

1           ~~(H)~~ (II) HAS EVER HAD A LICENSE, PROFESSIONAL LICENSE,  
2 OR CERTIFICATE SUSPENDED, SURRENDERED, OR REVOKED WHILE ALLEGATIONS  
3 OF CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT WERE PENDING OR WERE UNDER  
4 INVESTIGATION, OR DUE TO AN ADJUDICATION OR FINDINGS OF CHILD SEXUAL  
5 ABUSE OR SEXUAL MISCONDUCT.

6           (D) (1) ~~BEFORE HIRING AN APPLICANT, A COUNTY BOARD~~ THE  
7 DEPARTMENT, NONPUBLIC SCHOOL, OR CONTRACTING AGENCY SHALL CHECK THE  
8 ELIGIBILITY FOR EMPLOYMENT OR CERTIFICATION STATUS OF THE APPLICANT TO  
9 DETERMINE WHETHER THE APPLICANT:

10           ~~(1)~~ (I) HOLDS A VALID AND ACTIVE CERTIFICATION APPROPRIATE  
11 FOR THE POSITION AND IS OTHERWISE ELIGIBLE FOR EMPLOYMENT; AND

12           ~~(2)~~ (II) HAS BEEN ~~THE SUBJECT OF PROFESSIONAL DISCIPLINE~~  
13 TERMINATED FOR CAUSE FROM ANY PREVIOUS EMPLOYER OR HAS HAD A  
14 PROFESSIONAL LICENSE OR CERTIFICATE SUSPENDED OR REVOKED.

15           (2) IF THERE IS A LAPSE OR SUSPENSION IN THE DEPARTMENT'S USE  
16 OF A SYSTEM OR DATABASE TO CHECK THE ELIGIBILITY FOR EMPLOYMENT OR  
17 CERTIFICATION STATUS OF AN APPLICANT, THE DEPARTMENT SHALL NOTIFY A  
18 COUNTY BOARD WITHIN 48 HOURS OF THE LAPSE OR DECISION TO SUSPEND THE USE  
19 OF THE SYSTEM OR DATABASE.

20           (E) AN APPLICANT WHO PROVIDES FALSE INFORMATION OR WILLFULLY  
21 FAILS TO DISCLOSE MATERIAL INFORMATION REQUIRED UNDER THIS SECTION  
22 SHALL BE SUBJECT TO DISCIPLINE UP TO, AND INCLUDING, TERMINATION OR  
23 DENIAL OF EMPLOYMENT AND MAY BE SUBJECT TO PROFESSIONAL DISCIPLINE IN  
24 ACCORDANCE WITH THE REGULATIONS OF THE DEPARTMENT.

25           ~~(F) A COUNTY BOARD OR CONTRACTING AGENCY MAY HIRE AN APPLICANT~~  
26 ~~ON A PROVISIONAL BASIS FOR A PERIOD NOT TO EXCEED 90 DAYS PENDING THE~~  
27 ~~REVIEW OF INFORMATION AND RECORDS RECEIVED UNDER THIS SECTION,~~  
28 ~~PROVIDED THAT ALL OF THE FOLLOWING ARE SATISFIED:~~

29           ~~(1) THE APPLICANT HAS PROVIDED ALL OF THE INFORMATION AND~~  
30 ~~SUPPORTING DOCUMENTATION REQUIRED;~~

31           ~~(2) THE SCHOOL ADMINISTRATOR HAS NO KNOWLEDGE OF~~  
32 ~~INFORMATION PERTAINING TO THE APPLICANT THAT WOULD DISQUALIFY THE~~  
33 ~~APPLICANT FROM EMPLOYMENT;~~

34           ~~(3) THE APPLICANT SWEARS OR AFFIRMS THAT THE APPLICANT IS~~  
35 ~~NOT DISQUALIFIED FROM EMPLOYMENT; AND~~

1           ~~(4) THE APPLICANT IS NOT PERMITTED TO WORK ALONE WITH~~  
2 ~~MINORS AND WORKS IN THE IMMEDIATE VICINITY OF A PERMANENT EMPLOYEE.~~

3           ~~(6) (1) A COUNTY BOARD OR CONTRACTING AGENCY MAY NOT ENTER~~  
4 ~~INTO A COLLECTIVE BARGAINING AGREEMENT, AN EMPLOYMENT CONTRACT, AN~~  
5 ~~AGREEMENT FOR RESIGNATION OR TERMINATION, A SEVERANCE AGREEMENT, OR~~  
6 ~~ANY OTHER CONTRACT OR AGREEMENT THAT:~~

7           ~~(i) HAS THE EFFECT OF SUPPRESSING INFORMATION~~  
8 ~~RELATING TO AN INVESTIGATION OF A REPORT OF SUSPECTED CHILD SEXUAL~~  
9 ~~ABUSE OR SEXUAL MISCONDUCT BY A CURRENT OR FORMER EMPLOYEE;~~

10           ~~(ii) AFFECTS THE ABILITY OF THE SCHOOL OR CONTRACTING~~  
11 ~~AGENCY TO REPORT SUSPECTED CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT TO~~  
12 ~~THE APPROPRIATE AUTHORITIES; OR~~

13           ~~(iii) REQUIRES THE SCHOOL OR CONTRACTING AGENCY TO~~  
14 ~~EXPUNGE INFORMATION ABOUT ALLEGATIONS OR FINDINGS OF SUSPECTED CHILD~~  
15 ~~SEXUAL ABUSE OR SEXUAL MISCONDUCT FROM ANY DOCUMENTS MAINTAINED BY~~  
16 ~~THE SCHOOL OR CONTRACTING AGENCY, UNLESS AFTER INVESTIGATION THE~~  
17 ~~ALLEGATIONS ARE FOUND TO BE FALSE.~~

18           ~~(2) A PROVISION OF AN EMPLOYMENT CONTRACT, AN AGREEMENT~~  
19 ~~FOR RESIGNATION OR TERMINATION, OR A SEVERANCE AGREEMENT THAT IS~~  
20 ~~EXECUTED, AMENDED, OR ENTERED INTO ON OR AFTER OCTOBER 1, 2018, AND~~  
21 ~~THAT IS CONTRARY TO THIS SECTION IS VOID AND UNENFORCEABLE.~~

22           ~~(H) (1) FOR PURPOSES OF THIS SUBSECTION, "SUBSTITUTE EMPLOYEE"~~  
23 ~~DOES NOT INCLUDE SCHOOL BUS DRIVERS EMPLOYED BY A CONTRACTING AGENCY.~~

24           ~~(2) FOR SUBSTITUTE EMPLOYEES, THE EMPLOYMENT HISTORY~~  
25 ~~REVIEW REQUIRED BY THIS SECTION SHALL BE REQUIRED ONLY BEFORE THE~~  
26 ~~INITIAL HIRING OF A SUBSTITUTE EMPLOYEE OR PLACEMENT ON THE SCHOOL'S~~  
27 ~~APPROVED SUBSTITUTE EMPLOYEE LIST AND SHALL REMAIN VALID AS LONG AS THE~~  
28 ~~SUBSTITUTE EMPLOYEE CONTINUES TO BE EMPLOYED BY THE SAME SCHOOL OR~~  
29 ~~REMAINS ON THE SCHOOL'S APPROVED SUBSTITUTE EMPLOYEE LIST.~~

30           ~~(3) A SUBSTITUTE EMPLOYEE SEEKING TO BE ADDED TO ANOTHER~~  
31 ~~SCHOOL ENTITY'S SUBSTITUTE EMPLOYEE LIST SHALL UNDERGO A NEW~~  
32 ~~EMPLOYMENT HISTORY REVIEW.~~

~~(4) THE APPEARANCE OF A SUBSTITUTE EMPLOYEE ON ONE SCHOOL'S SUBSTITUTE EMPLOYEE LIST DOES NOT RELIEVE ANOTHER SCHOOL FROM COMPLIANCE WITH THIS SECTION.~~

~~(5) AN EMPLOYMENT HISTORY REVIEW CONDUCTED ON INITIAL HIRING OF A SUBSTITUTE EMPLOYEE BY A CONTRACTING AGENCY, AN INTERMEDIATE UNIT, OR ANY OTHER ENTITY THAT FURNISHES SUBSTITUTE STAFFING SERVICES TO SCHOOL ENTITIES SHALL SATISFY THE REQUIREMENTS OF THIS SECTION FOR ALL SCHOOL ENTITIES USING THE SERVICES OF THAT CONTRACTING AGENCY, INTERMEDIATE UNIT, OR OTHER ENTITY.~~

~~(6) (F) A CONTRACTING AGENCY, AN INTERMEDIATE UNIT, OR ANY OTHER ENTITY FURNISHING SUBSTITUTE STAFFING SERVICES TO ~~SCHOOLS~~ A SCHOOL SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION.~~

~~(I) (1) FOR AN EMPLOYEE OF A CONTRACTING AGENCY, THE EMPLOYMENT HISTORY REVIEW REQUIRED BY THIS SECTION SHALL BE PERFORMED, EITHER AT THE TIME OF THE INITIAL HIRING OF THE EMPLOYEE OR BEFORE THE ASSIGNMENT OF THE EMPLOYEE TO PERFORM WORK FOR A SCHOOL IN A POSITION INVOLVING DIRECT CONTACT WITH MINORS.~~

~~(2) THE REVIEW SHALL REMAIN VALID AS LONG AS THE EMPLOYEE REMAINS EMPLOYED BY THE SAME CONTRACTING AGENCY, EVEN THOUGH ASSIGNED TO PERFORM WORK FOR OTHER SCHOOL ENTITIES.~~

~~(J) (G) A CONTRACTING AGENCY SHALL MAINTAIN RECORDS DOCUMENTING EMPLOYMENT HISTORY REVIEWS FOR ALL EMPLOYEES AS REQUIRED BY THIS SECTION AND, ON REQUEST, SHALL PROVIDE A SCHOOL ENTITY TO WHICH AN EMPLOYEE IS ASSIGNED ACCESS TO THE RECORDS PERTAINING TO THAT EMPLOYEE.~~

~~(K) (H) (1) BEFORE ASSIGNING AN EMPLOYEE TO PERFORM WORK FOR A SCHOOL IN A POSITION INVOLVING DIRECT CONTACT WITH MINORS, A CONTRACTING AGENCY SHALL INFORM THE SCHOOL OF ANY INSTANCE KNOWN TO THE CONTRACTING AGENCY IN WHICH THE EMPLOYEE:~~

~~(I) WAS THE SUBJECT OF A CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT INVESTIGATION BY AN EMPLOYER, A STATE LICENSING AGENCY, A LAW ENFORCEMENT AUTHORITY, OR A CHILD PROTECTIVE SERVICES AGENCY, UNLESS THE INVESTIGATION RESULTED IN A FINDING THAT THE ALLEGATIONS WERE FALSE;~~

~~(H) (I) HAS EVER BEEN DISCIPLINED, DISCHARGED, NONRENEWED, REMOVED FROM A SUBSTITUTE LIST, OR ASKED TO RESIGN FROM~~

1 EMPLOYMENT, OR HAS EVER RESIGNED FROM OR OTHERWISE SEPARATED FROM  
 2 ANY EMPLOYMENT WHILE ALLEGATIONS OF CHILD SEXUAL ABUSE OR SEXUAL  
 3 MISCONDUCT WERE PENDING OR UNDER INVESTIGATION, OR DUE TO AN  
 4 ADJUDICATION OR FINDINGS OF CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT; OR

5 ~~(III)~~ (II) HAS EVER HAD A LICENSE, PROFESSIONAL LICENSE,  
 6 OR CERTIFICATE SUSPENDED, SURRENDERED, OR REVOKED WHILE ALLEGATIONS  
 7 OF CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT WERE PENDING OR UNDER  
 8 INVESTIGATION, OR DUE TO AN ADJUDICATION OR FINDINGS OF CHILD SEXUAL  
 9 ABUSE OR SEXUAL MISCONDUCT.

10 (2) THE CONTRACTING AGENCY MAY NOT ASSIGN THE EMPLOYEE TO  
 11 PERFORM WORK FOR THE SCHOOL IN A POSITION INVOLVING DIRECT CONTACT  
 12 WITH MINORS WHERE THE SCHOOL OBJECTS TO THE ASSIGNMENT AFTER BEING  
 13 INFORMED OF AN INSTANCE OF CHILD SEXUAL ABUSE OR SEXUAL MISCONDUCT.

14 ~~(L) (1) A PERSON WHO IN GOOD FAITH PROVIDES INFORMATION OR~~  
 15 ~~RECORDS, INCLUDING PERSONNEL RECORDS ABOUT A CURRENT OR FORMER~~  
 16 ~~EMPLOYEE'S JOB PERFORMANCE AND PROFESSIONAL CONDUCT TO A PROSPECTIVE~~  
 17 ~~SCHOOL EMPLOYER OR TO THE DEPARTMENT, SHALL BE IMMUNE FROM CRIMINAL~~  
 18 ~~AND CIVIL LIABILITY FOR THE DISCLOSURE OR ANY CONSEQUENCES OF THE~~  
 19 ~~DISCLOSURE, UNLESS THE INFORMATION OR RECORDS WERE PROVIDED WITH THE~~  
 20 ~~KNOWLEDGE THAT THEY WERE FALSE.~~

21 ~~(2) THE IMMUNITY DESCRIBED IN THIS SUBSECTION SHALL BE IN~~  
 22 ~~ADDITION TO AND NOT IN LIMITATION OF ANY OTHER IMMUNITY PROVIDED BY LAW~~  
 23 ~~OR ANY ABSOLUTE OR CONDITIONAL PRIVILEGE APPLICABLE TO THE DISCLOSURE~~  
 24 ~~BY VIRTUE OF THE CIRCUMSTANCES OR THE APPLICANT'S CONSENT TO THE~~  
 25 ~~DISCLOSURE.~~

26 ~~(M)~~ (I) NOTHING IN THIS SECTION SHALL BE CONSTRUED:

27 (1) TO PREVENT A PROSPECTIVE EMPLOYER FROM CONDUCTING  
 28 FURTHER INVESTIGATIONS OF PROSPECTIVE EMPLOYEES OR FROM REQUIRING  
 29 APPLICANTS TO PROVIDE ADDITIONAL BACKGROUND INFORMATION OR  
 30 AUTHORIZATIONS BEYOND WHAT IS REQUIRED UNDER THIS SECTION, OR TO  
 31 PREVENT A FORMER EMPLOYER FROM DISCLOSING MORE INFORMATION THAN IS  
 32 REQUIRED UNDER THIS SECTION;

33 (2) TO RELIEVE A SCHOOL, SCHOOL ADMINISTRATOR, OR  
 34 CONTRACTING AGENCY OF ITS LEGAL RESPONSIBILITY TO REPORT SUSPECTED  
 35 INCIDENTS OF CHILD SEXUAL ABUSE OR MISCONDUCT IN ACCORDANCE WITH THE  
 36 PROVISIONS OF STATE LAW OR THE REPORTING REQUIREMENTS OF THE  
 37 DEPARTMENT; OR

1           **(3) TO PROHIBIT THE RIGHT OF THE EXCLUSIVE REPRESENTATIVE**  
2 **UNDER A COLLECTIVE BARGAINING AGREEMENT TO GRIEVE AND ARBITRATE THE**  
3 **VALIDITY OF AN EMPLOYEE’S TERMINATION OR DISCIPLINE FOR JUST CAUSE OR**  
4 **FOR THE CAUSES SET FORTH IN THIS SECTION.**

5           ~~**(N) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE**~~  
6 ~~**DEPARTMENT MAY INITIATE DISCIPLINARY ACTION BEFORE A HEARING OFFICER IN**~~  
7 ~~**ACCORDANCE WITH THE DEPARTMENT’S REGULATIONS AGAINST AN APPLICANT, AN**~~  
8 ~~**EMPLOYEE, A CONTRACTING AGENCY, OR A SCHOOL ADMINISTRATOR FOR WILLFUL**~~  
9 ~~**VIOLATIONS OF THIS SECTION.**~~

10           ~~**(2) THE DEPARTMENT MAY ADOPT REGULATIONS ESTABLISHING**~~  
11 ~~**PROCEDURES RELATING TO DISCIPLINARY PROCEEDINGS AND THE ASSESSMENT OF**~~  
12 ~~**PENALTIES IN ACCORDANCE WITH THIS SECTION.**~~

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 ~~October~~ July 1, 2018.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.